

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15928 of the D.C. Department of Housing and Community Development, pursuant to 11 DCMR 3108.1, for a special exception under Subsection 410.12 to allow a group of 23 single-family dwellings to be erected with division walls from the ground up and to be deemed a single building in an R-4 District at premises 411-455 17th Street, N.E. (Square 4546, per subdivision of Lots 159 and 812).

HEARING DATE: March 23, 1994  
DECISION DATE: March 23, 1994 (Bench Decision)

DISPOSITION: The Board **GRANTED** the application by a vote of 3-0 (George Evans, Laura M. Richards and Craig Ellis to grant; Angel F. Clarens and John G. Parsons not present, not voting).

FINAL DATE OF ORDER: April 20, 1994

FURTHER DISPOSITION: The Board **APPROVED** a modification of plans by a vote of 4-0 (Susan M. Hinton and Laura M. Richards to approve; John G. Parsons and Craig Ellis to approve by absentee vote; Angel F. Clarens abstaining).

MODIFICATION ORDER

The Board granted the application by its Order dated April 20, 1994. The Board approved a modification of the plans by its order dated September 30, 1994. This modification allowed the applicant to eliminate one townhouse and shift the remaining townhouses at the site to eliminate the impact of the project on the sewer and easement area.

By letter dated February 16, 1995, counsel for the applicant requested a further modification of the approved plans. The applicant stated that each townhouse unit is designed with a gate that swings open into the adjacent alley right-of-way. The gate is located where the rear parking pad meets the property line. The applicant proposes to install at each unit a sliding gate that does not swing out into the alley. The proposed gate will eliminate the possibility of a gate swinging into the path of a passing vehicle in the alley.

The applicant stated that the proposed modification is minor and will not change the landscape plan previously approved.

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Exterior and interior design of the units will remain as previously approved. The proposed sliding gate will be designed to promote security and protect the aesthetic quality of the rear of the townhouses. The applicant stated that the modified gate plans maintain the integrity of the originally approved plans by not requiring any additional variance or special exception relief. There was no opposition to the proposed modification.

Upon consideration of the original application, the first modification and the subject proposed modification, the Board concludes that the modification proposes only minor changes to the original site plan. The proposed change in the fence design is necessary to ensure the safety of vehicles traveling through the rear alley. The landscape treatment will remain the same. The material facts relied on by the Board are unaffected by the proposed modification of plans. It is therefore **ORDERED** that the proposed modification of plans is **APPROVED**. Construction shall be in accordance with plans marked as Exhibit No. 35A of the record as modified by the description of the fence design in Exhibit No. 38 of the record. In all other respects the orders of the Board dated April 20 and September 30, 1994 shall remain in full force and effect.

**VOTE:** 4-0 (Laura M. Richards, Susan Morgan Hinton and Craig Ellis to approve; John G. Parsons to approve by absentee vote; Angel F. Clarens abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER:

APR 13 1995

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15928Mod/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15928

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 13 1995 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

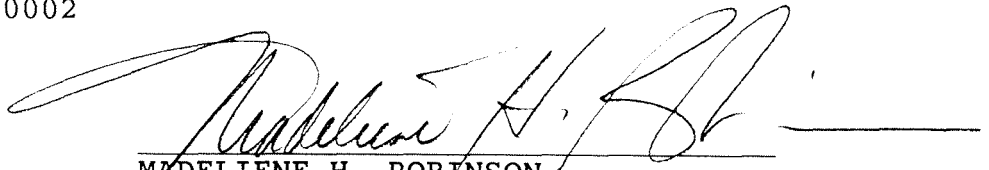
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MADELIENE H. ROBINSON  
Director

DATE: APR 13 1995

15928Att/bhs